

City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this special use permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit #2012-0068

Approved by Planning and Zoning: October 24, 2012

Permission is hereby granted to: Notting Hill Restaurant and Bar, LLC

to use the premises located at: 1106 – 1108 King Street

for the following purpose: see attached report

It is the responsibility of the special use permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

10/24/12
Date

Faroll Hamer by KMW
Faroll Hamer, Director
Department of Planning and Zoning

DATE: October 19, 2012

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Nathan Randall, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2012-0068
Administrative Review for Change of Ownership
Site Use: Restaurant
Applicant: Notting Hill Restaurant & Bar, LLC
Location: 1106 and 1108 King Street
Zone: KR/King Street Urban Retail

Request

Special Use Permit #2012-0068 is a request to change ownership of an existing restaurant from 1106 King Restaurant, LLC to Notting Hill Restaurant & Bar LLC. No changes to the operation are proposed, and the restaurant will continue to have no more than 153 seats, including both indoor and outdoor seats, the latter of which are provided in a garden area on an unimproved lot located immediately to the west of the restaurant building. The applicant expects to serve steak and French-inspired cuisine under the trade name of "Notting Hill."

Background

A restaurant has existed at this location since at least 1985, when City Council approved SUP#1817. Several amendments or changes of ownership have been approved over the years, the most recent of which was approved in 2008 to add live entertainment (SUP#2008-0063). The restaurant has been closed, but continuously marketed for a restaurant use, for at least two years.

Staff has not received any complaints that would require staff to docket the Special Use Permit for public hearing.

Parking

According to Section 8-300(B) of the Zoning Ordinance, restaurants located in the Central Business District are exempt from off-street parking requirements listed in the Zoning Ordinance. However, existing Condition #7, which has been carried forward in this report, requires the applicant to provide at least 33 off-street parking spaces during evening hours.

The applicant satisfies this requirement through the provision of 35 parking spaces at the parking garage located nearby at 1101 King Street (see attached letter from garage owner). The applicant will station at least one employee at the garage entrance to provide access into the garage via keycard for restaurant patrons.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town and King Henry Court Civic Association, the Upper King Street Neighborhood Association, and the Old Town Business and Professional Association, were sent an e-mail with information about the current application. Staff also received an email from a neighbor requesting a six-month review of the restaurant.

Staff Action

Staff supports the change of ownership request. The applicant's proposal will fill long-vacant tenant space on King Street. The applicant's parking arrangement satisfies Condition #7 which requires the applicant to provide at least 33 off-street parking spaces. It also contributes to the utilization of parking garages have excess capacity, which is a stated goal of the Old Town Parking Study.

Staff has carried forward nearly all previous conditions of approval, although it has deleted a few conditions that are either duplicative or are no longer included in SUPs today. It has also removed the six-month review requirement from the previous SUP, finding that the standard one-year review will be sufficient here.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 23, 2012

Action: Approved



Barbara Ross, Deputy Director

- Attachments: 1) Special Use Permit Conditions
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT # 2012-0068

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (P&Z) (SUP #1817)
2. Seating shall be provided inside for no more than 108 patrons. (P&Z) (SUP #96-0020)
3. **CONDITION AMENDED BY STAFF:** Outside dining facilities shall be provided for no more than ~~30~~ 45 patrons on the patio to the west of the building. ~~An additional 15 seats may be added if and when the applicant has satisfied all of the Code Enforcement requirements in Conditions #28 through #32. Additional outdoor dining seats may be provided in front of the restaurant subject to the review and approval of the Director of Planning & Zoning through the King Street Outdoor Dining program.~~ (P&Z) (SUP#2004-0037)
4. Hours of operation shall be limited to between 7:00 am-1:00 am daily. (P&Z) (SUP #2006-0107)
5. Trash and garbage shall be stored inside or in dumpsters which are fully enclosed within a refrigerated storage container at the rear of the property. Trash and garbage shall only be removed from the storage container for the purposes of collection and cleaning. (King Henry Court Owners Association) (SUP #96-0020)
6. Condition deleted. (SUP #96-0020)
7. The applicant shall provide a minimum of 33 off-street parking spaces within 500 feet of the site to accommodate restaurant patrons after the normal working hours in the evenings to the satisfaction of the Director of Planning and Zoning. On each anniversary of the approval of the special use permit, the applicant shall provide to the Director of Planning and Zoning copy of (1) the lease or other arrangement by which the applicant makes off-street parking available for customers and employees, (2) the materials advertising such off-street parking, and (3) a report concerning the utilization of off-street parking subsidies by the restaurant's patrons. (P&Z) (SUP #96-0020)
8. There will be no through vehicular traffic via the alley from Fayette Street. (PC) (SUP #1817)
9. Condition deleted by staff. (P&Z) (SUP #2006-0107)

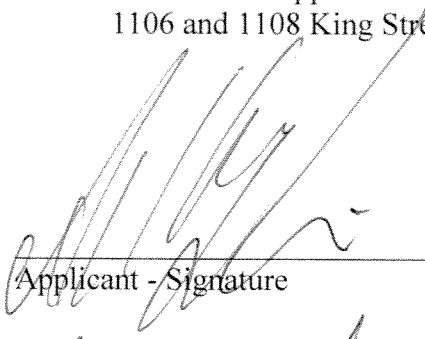
10. Live entertainment shall be permitted only to provide background ambient music to restaurant patrons during the hours of 9:00am to 1:00am. Live entertainment shall be limited to inside the restaurant only, and shall not be permitted in any outdoor seating area. Advertising that features entertainment as a destination is prohibited. No admission or cover fee shall be charged. (PC)(P&Z) (SUP#2008-0063)
11. **CONDITION AMENDED BY STAFF:** The hours of operation for the outdoor dining area shall be limited to 11:30 A.M. to 10:00 P.M. Sunday through Thursday, and limited to 11:30 A.M. to 11:00 P.M. Friday and Saturday. No meals may be served in the outdoor patio area after 9:30 P.M. Sunday through Thursday and after 10:30 P.M. Friday and Saturday and the patio shall be closed and cleaned by 10:00 P.M. Sunday through Thursday and 11:00 P.M. Friday and Saturday. (P&Z) (PC) (~~SUP#2002-0079~~)
12. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP #96-0020)
13. Alcoholic beverages may be sold for on-premises consumption only. (P&Z) (SUP #96-0020)
14. No food, beverages, or other material shall be stored outside. (P&Z) (SUP #96-0020)
15. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (P&Z) (SUP #96-0020)
16. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers. (T&ES) (SUP #96-0020)
17. Loudspeakers shall be prohibited from the exterior of the building, and no music or amplified sound shall be audible at the property line. (T&ES) (SUP#2002-0079)
18. Condition deleted by staff. (P&Z) (SUP #2006-0107)
19. Condition deleted. (City Council) (SUP#2002-0079)
20. The applicant shall (a) advertise the availability of off-street parking by including such notice in any advertising; (b) urge patrons who drive to use the space; and (c) post signs at the restaurant directing patrons to the availability of such parking. (P&Z) (SUP #96-0020)

21. Condition deleted by staff. (P&Z) (SUP #2006-0107)
22. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit ~~six months after approval, and again~~ one year after approval, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2008-0063)
23. Condition deleted by staff. (P&Z) (SUP #2006-0107)
24. The wooden door shall be kept closed at all times while the outdoor dining area is open, except for purposes of taking deliveries during daylight hours. (King Henry Court Owners Association) (SUP #2006-0107)
25. The applicant shall control cooking odors and smoke from the property to prevent them from leaving the property, or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP # 2002-0049)
26. The applicant shall require its employees who drive to use off-street parking and/or provide employees who use mass transit with subsidized bus and rail fare media. The applicant shall also post DASH and Metrobus schedules on-site for employees. (P&Z) (T&ES) (SUP #2006-0107)
27. The applicant shall conduct employee training session on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and to provide instruction preventing underage sales of alcohol. (P&Z) (SUP#2004-0037)
28. The applicant shall submit a seating plan that accurately reflects the conditions at the site along with the proposed seating arrangement. (Code Enforcement) (SUP#2004-0037)
29. A clear, unobstructed path measuring no less than 44 inches is required to be maintained from the building exit, through the courtyard to the approved exits to the public way. The pathway shall remain clear of tables, chairs and planters at all times. The approved pathway shall be designated by the applicant and approved by the Director of Code Enforcement. (Code Enforcement) (SUP#2004-0037)

30. A secondary exit from the courtyard shall comply with the USBC, remain free of obstructions and be properly illuminated at all times. The aforementioned shall include the exit door, pathway to the alley, and the alley leading to the public way. (Code Enforcement) (SUP#2004-0037)
31. Front gates of the courtyard shall remain unlocked and held in the open position at all times the building is occupied. (Code Enforcement) (SUP#2004-0037)
32. Any encroachment from any other structure that impacts the courtyard, requires a new review of the courtyard seating shall be revisited for compliance with the USBC. (Code Enforcement) (SUP#2004-0037)
33. **CONDITION DELETED BY STAFF:** ~~Approval of this special use permit is contingent upon the applicant's compliance with all Code requirements for the outdoor seating area. (P&Z) (SUP#2004-0037)~~
34. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the City's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the Director of Transportation & Environmental Services. The City's storage space guidelines and required Recycling Implementation Plan forms are available at: www.alexandriava.gov or contact the City's Solid Waste Division at 703-519-3486 ext.132. (T&ES) (SUP#2006-0107)~~
35. **CONDITION AMENDED BY STAFF:** Meals ordered before the closing hour may be served, but no new patrons may be admitted and no new alcoholic beverages may be served, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2006-0107)
36. **CONDITION DELETED BY STAFF:** ~~Applicant shall contribute \$500.00 to the Streetscape Beautification Fund for the installation of litter receptacles along the public right of ways. Monetary contribution to be submitted to the Department of T&ES, Engineering Division, Room 4130, 301 King Street within 60 days of City Council approval. (T&ES) (SUP#2006-0107)~~
37. The applicant shall participate in any organized program to assist with both employee and customer parking for businesses that is formed as a result of suggested parking strategies in the King Street Retail Study. (P&Z) (SUP#2006-0107)
38. Provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2006-0107)
39. Deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2008-0063)

STATEMENT OF CONSENT

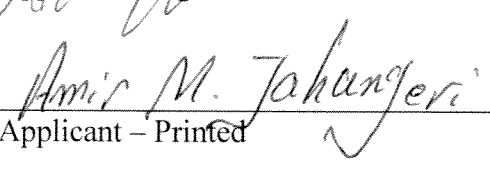
The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2012-0068. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant at 1106 and 1108 King Street.



Applicant - Signature



Date



Applicant - Printed



Date